

FORM NLRB-502
(2-08)UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

FLYER EAB0011 UNDER 49 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No. 11-RD-723 Date Filed 7-30-09

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

- ☐ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☒ RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____ Attach statement describing the specific amendment sought.

2. Name of Employer Boeing		Employer Representative to contact David Ray	Tel. No. (843)789-8404
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 3455 Airframe Drive Bldg. 100 North Charleston SC 29418		Fax No. () -	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Facility	4b. Identify principal product or service Aircraft		Cell No. () - e-Mail
5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included All production and maintenance employees, including assemblers, tool and die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, and NDI technicians. Excluded All other employees, including all office clerical employees, managerial employees, guards, professional employees and supervisors under the Act.			6a. Number of Employees in Unit: Present 0 Proposed (By UCAC) 0
(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)			6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC

7a. ☐ Request for recognition as Bargaining Representative was made on (Date) // // and Employer declined recognition on or about (Date) // // (If no reply received, so state).

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (If none, so state.) International Association of Machinists and Aerospace Workers, District Lodge 96		Affiliation	
Address 1111 W. Mockingbird Lane, Ste. 1357 Dallas TX 75247		Tel. No. (214)637-6543	Date of Recognition or Certification 11/08/2007
		Cell No. () -	Fax No. (214)637-2803
		e-Mail	

9. Expiration Date of Current Contract, if any (Month, Day, Year) // //

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year) // //

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes ☐ No ☒

11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of (insert Name) _____, a labor organization, of (insert Address) _____ Since (Month, Day, Year) // //

12. Organizations or individuals other than Petitioner (and other than those named in Items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in Item 5 above. (If none, so state)			
Name	Address	Tel. No. () -	Fax No. () -
		Cell No. () -	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)			
14a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		14b. Tel. No. (b) (6), (b) (7)(C) EXT	14c. Fax No. () -
		14d. Cell No. () -	14e. (b) (6), (b) (7)(C)
		e-Mail	

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)			
I declare that I have read the above petition and that the statements are true			
Name (Print) (b) (6), (b) (7)(C)	Signature (b) (6), (b) (7)(C)	Date (If any) 07/30/09	
Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		Cell No. () -	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlrb.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

November 8, 2021

Re: Boeing
Case 11-RD-723

Mr. David Ray
Boeing
3455 Airframe Drive, Bldg. 100
North Charleston, SC 29418

(b) (6), (b) (7)(C)

Mr. Jeffery M. Smith
Grand Lodge Rep.
International Association of Machinists and Aerospace Workers, AFL-
CIO
1111 W. Mockingbird Lane, Suite 1357
Dallas, TX 75247

Gentlemen:

Enclosed is a copy of a Petition for Decertification of Representative, pursuant to the provisions of the National Labor Relations Act, which has been filed with this office. Also enclosed is a copy of "Parties Involved in a Representation Petition," Form NLRB-4812, explaining the manner in which representation petitions are processed by this Agency.

The National Labor Relations Act requires the prompt resolution of questions concerning representation. Because this is an integral part of our mission, these cases are prioritized and resolved as expeditiously as possible.

If the Board has jurisdiction, the parties may execute a standard agreement for an election fixing the date, time and place and the classifications to be included in the appropriate unit. All such elections are conducted by an agent of the Board. Election procedures are outlined in the enclosed pamphlet. In the event there is no agreement for an election, a formal investigatory hearing may be held before a hearing officer of the Board.

Consistent with the Agency's efforts to ensure the expeditious resolution of questions concerning representation, please be advised a hearing has been scheduled for **August 10, 2009**, as set forth in the enclosed Notice of Hearing. Requests for the postponement of the hearing will be granted only for good cause and consistent with the requirements set forth in Form NLRB-4338, which is enclosed with this letter. For purposes of Section 102.114(d) of the Board's Rules and Regulations, I am granting advance permission to the parties to file postponement requests with me by facsimile transmission. The hearing, once commenced, will be conducted on consecutive days, until completed, unless the most compelling circumstances warrant otherwise. I advise the parties of these requirements at this time so that they may begin their preparations for them.

Attention is called to your right, and the right of any party, to be represented by counsel or another representative in any proceeding before the National Labor Relations Board. In the event you choose to have a representative appear

on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701. If you desire to designate a representative to receive all documents mailed by this office in this matter, you are requested to complete "Notice of Designation of Representative as Agent for Service of Documents," Form NLRB-4813. Both forms should be returned to this office as soon as possible. In view of our policy of processing these cases expeditiously, I anticipate that in the event you exercise your right to be represented by counsel or another representative you will do so promptly.

Prior to conducting a formal hearing, the staff member named below, who has been assigned to this matter, will be in contact with the parties to explore the issues and, if appropriate, to obtain an election agreement. If these contacts do not result in an election agreement, we may conduct an informal conference before the scheduled formal hearing. At this conference, the Board agent will explore all of the issues raised by the petition in an effort either to obtain an election agreement or narrow the issues which will be litigated at the hearing. It has been our experience that these informal conferences can be extremely useful in helping us in these regards, and that it is in the mutual interest of all parties, as well as the Agency, to explore fully all potential areas of agreement in order to eliminate or limit, to the extent possible, the significant costs associated with litigation. I encourage the parties to share all available information at this conference.

In order to assist us in our investigation, please submit the following information immediately:

1. Commerce information, which may be furnished on the enclosed "Questionnaire on Commerce Information," Form NLRB-5081. An extra copy of the form is enclosed for your files.
2. An alphabetized list of employees described in the petition together with their job classifications, for the payroll period immediately preceding the date of this letter. This list is to be used to resolve possible eligibility and unit questions as well as to determine the adequacy of the Petitioner's showing of interest.
3. Copies of correspondence and existing or recently expired contracts, if any, covering employees in the unit alleged in the petition. Names of any other labor organization(s) claiming to represent any of the employees in the proposed unit.
4. Your position as to the appropriateness of the unit.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records systems. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

It has been our experience that the exchange of information made possible by providing the list of employees requested in paragraph 2 above to all parties to the case is an excellent aid in resolving many of the eligibility and unit questions that arise during case processing. Accordingly, I encourage you both to provide the list as requested in paragraph 2, and to permit me to provide the list to the other parties. Please state in your return correspondence whether you intend to provide the list and whether I may provide it to the other parties.

Please be advised that in addition to the list of employees requested in paragraph 2 above, in the event an election is agreed to or directed in this case, a list of the full names and addresses of all the eligible voters must be filed by the employer with the undersigned, who will in turn make it available to all parties to the case. The list must be furnished to the undersigned within seven (7) days of the direction of election or approval of an agreement to conduct an election. I am advising you now of this requirement so that you have ample time to prepare for the eventuality that such list may become necessary.

It has been our experience that by the time a petition such as this one has been filed, employees may also have questions about what is going on and what may happen. At this stage in the handling of this case, we, of course, do

not know what disposition will be made of the petition, but experience tells us that an explanation of rights, responsibilities and Board procedures can be helpful to your employees. The Board believes that employees should have readily available to them information about their rights and the proper conduct of employee representation elections. At the same time, employers and labor organizations should be apprised of their responsibilities to refrain from conduct which could impede employees' freedom of choice. Accordingly, you are requested to post the enclosed Notice to Employees in conspicuous places in areas where employees such as those described in the enclosed petition work. Please advise me where in your facility you have posted the notice. Copies of this notice are also being made available to the labor organization(s) involved. In the event an election is not conducted, pursuant to this petition, you are requested to remove the posted notice. In addition, I am enclosing a pamphlet entitled, "Your Government Conducts an Election," for distribution to employees and to supervisory personnel. Additional copies of the pamphlet will be furnished upon request.

Please be further advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received or may receive a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Effective August 5, 1987, Section 103.20 of the Board's Rules and Regulations was amended. A copy of the amended Section is enclosed.

Customer service standards concerning the processing of representation cases have been published by the Agency and are available on the Agency's website (www.nlr.gov) under Public Notices.

Investigation of this matter has been assigned to the staff member named below. If you have any questions, do not hesitate to communicate with the Board agent. Your cooperation in this matter will be appreciated.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

Board Agent: Shannon R. Meares Telephone No.: (336)631-5226

E-Mail Address: Shannon.Meares@nlrb.gov

Attachments: Petition
Notice
NLRB Forms 4812, 4338, 4701, and 4813
Notice of Hearing with NLRB Form 4669 attached
Commerce Questionnaire (NLRB Form 5081) [Employer only]
Notice to Employees (NLRB Form 5492)
"Your Government Conducts an Election" pamphlet
Notice Posting Rule (Amended Section 103.20)
Attachment



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlr.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

November 8, 2021

Re: Boeing
Case 11-RD-723

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C):

No showing of interest was received concerning the above-captioned case. Section 101.17 of the Board's Rules and Regulations requires that a petitioner must supply, within 48 hours after filing but in no event later than the last day on which a petition might timely be filed, evidence of representation (showing of interest). Failure to immediately provide a showing of interest may result in the dismissal of your petition without further notice.

If you have any questions, please contact the Board agent assigned to the case.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

NOTICE

Under our current situation, the Agency must implement measures to ensure that its resources are administered as efficiently as possible. These measures may have an impact on our casehandling activities. Travel must be coordinated within each Region to effectively utilize our resources. Each case will be reviewed to determine whether face-to-face interviews are necessary or whether the issues raised by the charge can be handled through the use of statements obtained by telephone or through correspondence such as questionnaires or statements of positions. In the event it is determined that it is necessary for the investigating agent to meet with witnesses, the Region will monitor all casehandling travel to insure that it is being done in the most efficient manner. For instance, case-related travel may have been planned in such a way that assignments that would otherwise be accomplished by several trips may be combined into a single trip. Charging parties who are within or near a radius of 120 miles of an Agency field office may be required to present themselves and their witnesses in that office. If such parties are unable to present their evidence in the office, the investigation of a charge may be delayed in order for the Region to schedule travel in that case with other cases in the same geographical area.

Effectively managing our resources may involve the scheduling of multiple hearing assignments for administrative law judges in coordination with the Division of Judges. The Region may urge parties to come into the Regional Office city for formal hearings involving matters occurring within or near a 120-mile radius of the office. Absent such an agreement, the Region may seek to have the hearing held in a mutually convenient city with a major airport which would permit the grouping of cases.

While every effort will be made to process cases as expeditiously as possible, some of these necessary measures may have an impact on the time required to process a case. We regret the inconvenience which the measures may create, but appreciate your cooperation with the Agency's efforts to manage its resources in the most effective manner.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE: PARTIES INVOLVED IN A REPRESENTATION PETITION SHOULD BE AWARE OF THE FOLLOWING PROCEDURES:

Right to be represented by counsel

Any party has the right to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you wish to have a representative appear on your behalf, please have your representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as counsel is chosen.

Designation of representative as agent for service of documents

In the event you choose to have a representative appear on your behalf, you may also, if you so desire, use Form NLRB-4813 to designate that representative as your agent to receive exclusive service on your behalf of all formal documents and written communications in the proceeding, except decisions directing an election and notices of an election, and further except subpoenas, which are served on the person to whom they are addressed. If this form is not filed, both you and your representative will receive copies of all formal documents. If it is filed, copies will be served only upon your representative, and that service will be service upon you under the statute. The designation once filed shall remain valid unless a written revocation is filed with the Regional Director.

Investigation of petition

Immediately upon receipt of the petition, the regional office conducts an impartial investigation to determine if the Board has jurisdiction, whether the petition is timely and properly filed, whether the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation.

Withdrawal or dismissal

If it is determined that the Board does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. Should the petitioner refuse to withdraw, the Regional Director dismisses the petition and advises the petitioner of the reason for the dismissal and of the right to appeal to the Board.

Agreement and conduct of election

Upon the determination that the criteria are met for the Board to conduct a secret ballot election to resolve the question concerning representation, the parties are afforded the opportunity to enter into a consent election agreement. There are two forms: (1) Form National Labor Relations Board-651, Agreement for Consent Election, provides that the parties accept the final determination of the Regional Director. (2) Form National Labor Relations Board-652, Stipulation for Certification Upon Agreement for Consent Election, provides for the right of appeal to the Board on postelection matters. The secret ballot election will be conducted by an agent of the NLRB under the agreement and the parties shall have the right to observe and certify to the conduct of the election.

Hearing

If there are material issues which the parties cannot resolve by agreement, the Regional Director may issue a notice of hearing on the petition. At the hearing, all parties will be afforded the opportunity to state their positions and present evidence on the issues.

Scheduling of a hearing does not preclude the possibility of a consent election agreement. Approval of an agreement will serve as withdrawal of the notice of hearing.

Names and addresses of eligible voters

Upon approval of an election agreement, or upon issuance of a direction of election, the employer will be required to prepare a list of the names and addresses of eligible voters. The employer must file the eligibility list with the Regional Director within seven days after approval of the election agreement, or after the Regional Director of the Board has directed an election. The Regional Director then makes the list available to all other parties. The employer is advised early of this requirement so that there will be ample time to prepare for the eventuality that such a list becomes necessary. *(This list is in addition to list of employees in the proposed unit and their job classifications to be used to verify the showing of interest by a union.)*

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case: 11-RD-723

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

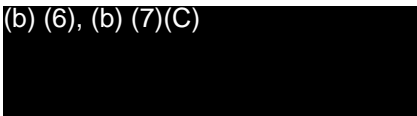
However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; ***and***
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Mr. David Ray
Boeing
3455 Airframe Drive, Bldg. 100
North Charleston, SC 29418

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text.

Mr. Jeffery M. Smith, Grand Lodge Rep.
International Association of Machinists and
Aerospace Workers, AFL-CIO
1111 W. Mockingbird Lane, Suite 1357
Dallas, TX 75247

NATIONAL LABOR RELATIONS BOARD
NOTICE OF APPEARANCE

Boeing

and

(b) (6), (b) (7)(C) An Individual

and

International Association of Machinists and Aerospace Workers, District
Lodge 96

CASE 11-RD-723

TO: (Check one Box Only) ¹

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> REGIONAL DIRECTOR
NLRB, REGION 11
4035 UNIVERSITY PKWY., SUITE 200
P.O. BOX 11467
WINSTON-SALEM, NC 27116-1467 | <input type="checkbox"/> EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C. 20570 | <input type="checkbox"/> GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C. 20570 |
|--|--|--|

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SECTIONS 102.14 AND 102.113 OF THE BOARD'S RULES AND REGULATIONS.

(REPRESENTATIVE INFORMATION)

NAME: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD
**NOTICE OF DESIGNATION OF REPRESENTATIVE
AS AGENT FOR SERVICE OF DOCUMENTS**

Boeing

and

(b) (6), (b) (7)(C), An Individual

and

International Association of Machinists and Aerospace Workers, District
Lodge 96

CASE 11-RD-723

TO: REGIONAL DIRECTOR
NLRB, REGION 11
4035 UNIVERSITY PARKWAY, SUITE 200
P.O. BOX 11467
WINSTON-SALEM, NC 27116-1467

I, the undersigned party, hereby designate my representative, whose name and address appear below and who has entered an appearance on my behalf in this proceeding, as my agent to receive exclusive service of all documents and written communications relating to this proceeding, including complaints and decisions and orders, but not including charges, amended charges, subpoenas, directions of elections or notices of elections, and I authorize the National Labor Relations Board to serve all such documents only on said representative. This designation shall remain valid until a written revocation of it, signed by me, is filed with the Board.

Full name of party	Representative's name, address, zip code (<i>print or type</i>)	
Signature of party (<i>please sign in ink</i>)		
Title		
Date	Area Code	Telephone Number

BEFORE THE NATIONAL LABOR RELATIONS BOARD

Boeing

Employer

and

(b) (6), (b) (7)(C), An Individual

Petitioner

CASE 11-RD-723

International Association of Machinists and Aerospace Workers, District
Lodge 96

Union

NOTICE OF REPRESENTATION HEARING

The Petitioner, above named, having heretofore filed a Petition pursuant to Section 9(c) of the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151, et. seq., copy of which Petition is hereto attached, and it appearing that a question affecting commerce has arisen concerning the representation of employees described by such Petition.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, on **August 10, 2009, and consecutive days thereafter until concluded, at 11:00 a.m., in the Paris Favors, Jr. Hearing Room, National Labor Relations Board, Republic Square, Suite 200, 4035 University Parkway, Winston-Salem, North Carolina,**

a hearing will be conducted before a hearing officer of the National Labor Relations Board upon the question of representation affecting commerce which has arisen, at which time and place the parties will have the right to appear in person or otherwise, and give testimony. *(Form NLRB-4669, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act, as Amended, is attached.)*

Signed at Winston-Salem, North Carolina, on the 8th day of November 2021.



Willie L. Clark, Jr., Regional Director, Region 11
National Labor Relations Board

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE
THE NATIONAL LABOR RELATIONS BOARD PURSUANT TO PETITIONS FILED
UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted before a Hearing Officer of the National Labor Relations Board.

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. *(Copies of exhibits should be supplied to the Hearing Officer and other parties at the time the exhibit is offered in evidence.)* After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Regional Director or to the Board in Washington *(if the case is transferred to the Board)* instead of to the Hearing Officer, inasmuch as the Hearing Officer has no power to make any rulings in connection with the case after the hearing is closed. All matter that is spoken in the hearing room will be recorded by the official reporter while the hearing is in session. In the event that any party wishes to make off-the-record remarks, requests to make such remarks should be directed to the Hearing Officer and not to the official reporter.

Statements of reasons in support of motions or objections should be as concise as possible. Objections and exceptions may, on appropriate request, be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

All motions shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order of relief sought and the grounds for such motion. An original and two copies of written motions shall be filed with the Hearing Officer and a copy thereof immediately shall be served on the other parties to the proceeding.

The sole objective of the Hearing Officer is to ascertain the respective positions of the parties and to obtain a full and complete factual record on which the duties under Section 9 of the National Labor Relations Act may be discharged by the Regional Director of the Board. It may become necessary for the Hearing Officer to ask questions, to call witnesses, and to explore avenues with respect to matters not raised by the parties. The services of the Hearing Officer are equally at the disposal of all parties to the proceedings in developing the material evidence.

At the close of the hearing, any party who desires to file a brief may do so in the appropriate manner described below.

1. Briefs filed with the Regional Director

Unless transfer of the case to the Board is announced prior to close of hearing, the brief should be filed in duplicate with the Regional Director. A copy must also be served on each of the other parties and proof of such service must be filed with the Regional Director at the time the briefs are filed. Briefs submitted are to be double-spaced on 8½ by 11 inch paper.

The briefs shall be filed within 7 days after the close of the hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

A request for an extension of time made after the close of the hearing must be received by the Regional Director, in writing, as much in advance of the date the briefs are due as possible and copies thereof must be served on the other parties by the same or faster method as used to file with the Regional Director (see 102.114 of the Board's Rules).

2. Briefs filed with the Board in Washington, D.C.

a. If transfer of case to the Board is announced at the hearing

Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board in Washington, D.C. Immediately on such filing, a copy shall be served on each of the other parties. Proof of such service must be filed with the Board simultaneously with the briefs. Such brief shall be printed or otherwise legibly duplicated: Provided, however, that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No reply brief may be filed except on special leave of the Board. Any brief filed after transfer of the case to the Board shall be double-spaced on 8½ by 11 inch paper.

The briefs shall be filed within 7 days after the close of hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

b. Transfer of cases to the Board effected after close of hearing

Pursuant to Section 102.67 of the Board's Rules, the Regional Director may, at any time after the close of hearing and before decision, transfer a case to the Board for decision. The order transferring the case will fix a date for filing briefs in Washington, D.C.

If a brief has already been filed with the Regional Director, the parties may file eight copies of the same brief with the Board in the same manner as set forth in "a," above, except that service on other parties is not required. No further briefs shall be submitted except by special permission of the Board.

If the case is transferred to the Board before the time expires for filing of briefs with the Regional Director and before the parties have filed briefs, such briefs shall be filed as set forth in "a," above.

c. Request for extension of time to file briefs with the Board

A request for an extension of time to file briefs with the Board in Washington, D.C., made after the close of hearing must be received by the Executive Secretary's Office in Washington as much in advance of the date the briefs are due as possible but in any event no later than the close of business on the due date. Such request must be in writing and a copy shall be served immediately on each of the other parties and the Regional Director and shall contain a statement that such service has been made.

As provided in Section 102.114(a) and (e) of the Board's Rules and Regulations, service on all parties of a request for an extension of time shall be made in the same or faster manner as that utilized in filing the paper with the Board; however, when filing with the Board is accomplished by facsimile transmission or by personal service, the other parties shall be promptly notified of such action by facsimile transmission or by telephone, followed by service of a copy personally or by overnight delivery service.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully. Answer all applicable items and return to the Regional Office. If additional space is required, use plain bond paper and identify item number.

CASE NAME Boeing		CASE 11-RD-723	
1. TYPE OF BUSINESS <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP			
2. CLASSIFICATION WHICH DESCRIBES YOUR BUSINESS <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> WHOLESALE</div> <div style="width: 50%;"><input type="checkbox"/> NEWSPAPER</div> <div style="width: 50%;"><input type="checkbox"/> OFFICE OF INDUSTRIAL BUILDING</div> <div style="width: 50%;"><input type="checkbox"/> RETAIL</div> <div style="width: 50%;"><input type="checkbox"/> HOSPITAL</div> <div style="width: 50%;"><input type="checkbox"/> HOTEL - MOTEL</div> <div style="width: 50%;"><input type="checkbox"/> MANUFACTURING/PROCESSING</div> <div style="width: 50%;"><input type="checkbox"/> SERVICE ORGANIZATION</div> <div style="width: 50%;"><input type="checkbox"/> TRUCKING</div> <div style="width: 50%;"><input type="checkbox"/> PUBLIC UTILITY</div> <div style="width: 50%;"><input type="checkbox"/> BROADCASTING STATION</div> <div style="width: 50%;"><input type="checkbox"/> NURSING HOME</div> <div style="width: 50%;"><input type="checkbox"/> TRANSIT SYSTEM</div> <div style="width: 50%;"><input type="checkbox"/> BUILDING AND CONSTRUCTION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Describe)</div> </div>			
3. EXACT LEGAL TITLE OF FIRM			
4. IF A CORPORATION			
A. INCORPORATED IN STATE OF:		B. NAME(S) AND ADDRESS(ES) OF PARENT, SUBSIDIARY, OR RELATED CORPORATION, IF ANY, AND DESCRIBE RELATIONSHIP	
5. IF A PARTNERSHIP FULL NAME AND COMPLETE ADDRESS OF ALL PARTNERS			
6. IF A PROPRIETORSHIP FULL NAME AND COMPLETE ADDRESS OF PROPRIETOR			
7. BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS (General products handled or manufactured, or nature of services performed).			
8. PRINCIPAL PLACE OF BUSINESS LOCATED AT:		BRANCH(es) LOCATED AT:	
9. NUMBER OF PERSONNEL PRESENTLY EMPLOYED BY YOUR FIRM			
A. TOTAL		B. AT THE ADDRESS INVOLVED IN THIS PROCEEDING	
10. DURING THE PAST <input type="checkbox"/> CALENDAR, <input type="checkbox"/> FISCAL YEAR (If Fiscal Year indicate dates), OR <input type="checkbox"/> LAST 12 MONTHS (Check appropriate box):			
A. DID GROSS REVENUE FROM SALES OR PERFORMANCE OF SERVICES DIRECTLY TO CUSTOMERS OUTSIDE THE STATE EXCEED \$50,000 <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT			\$
B. DID GROSS AMOUNT OF PURCHASES OF MATERIALS OR SERVICES DIRECTLY FROM OUTSIDE THE STATE EXCEED \$50,000 <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT			\$
C. DID GROSS REVENUE FROM YOUR SALES OR PERFORMANCE OF SERVICES EQUAL OR EXCEED \$50,000 TO FIRMS WHICH DIRECTLY MADE SALES TO CUSTOMERS OUTSIDE THE STATE AND/OR TO CUSTOMERS WHICH MADE PURCHASES FROM DIRECTLY OUTSIDE THE STATE <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT			\$
D. IF THE ANSWER TO 10(c) IS NO, DID GROSS REVENUE FROM SALES OR PERFORMANCE OF SERVICES EQUAL OR EXCEED \$50,000 TO PUBLIC UTILITIES, TRANSIT SYSTEMS, NEWSPAPERS, HEALTH CARE INSTITUTIONS, BROADCASTING STATIONS, COMMERCIAL BUILDINGS, EDUCATIONAL INSTITUTIONS AND/OR RETAIL CONCERNS <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT			\$
E. DID GROSS AMOUNT OF YOUR PURCHASES EQUAL OR EXCEED \$50,000 FROM FIRMS WHICH IN TURN, PURCHASED THOSE GOODS DIRECTLY FROM OUTSIDE THE STATE <input type="checkbox"/> YES <input type="checkbox"/> NO IF LESS THAN \$50,000 INDICATE AMOUNT			\$
F. GROSS REVENUE FROM ALL SALES OR PERFORMANCE OF SERVICES (Check largest amount which firm equalled or exceeded): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$200,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 IF LESS THAN \$100,000 INDICATE AMOUNT			\$
11. ARE YOU A MEMBER OF, OR PARTICIPATE IN, AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, give Name and Address of association or group).			
12. DID FIRM PERFORM NATIONAL DEFENSE WORK DURING THE PERIOD INDICATED IN 10 ABOVE? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, give Name and Address of association or group).			
13. PROVIDE NAME & TITLE OF YOUR REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION CONCERNING THE OPERATIONS OF YOUR BUSINESS			
NAME		TITLE	
		TELEPHONE NUMBER	
SIGNATURE OR AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE			
NAME AND TITLE (Type or Print)		DATE	

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court..

ATTACHMENT
NOTICE POSTING RULE
###

Section 103.20 Posting of Election Notices.

(a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least three (3) full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Office in the mail. In all cases, the notices shall remain posted until the end of the election.

(b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.

(c) A party shall be estopped from objecting to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least five (5) working days prior to the election that it has not received copies of the election notice.

(d) Failure to post the election notices as required herein shall be grounds for setting aside the election whenever proper and timely objections are filed under the provisions of Section 102.69(a).

Dated, Washington, D.C., June 30, 1987 by
direction of the Board

National Labor Relations Board
John C. Truesdale, Executive Secretary

###

Attachment

**COMMUNICATIONS WITH REGIONAL, SUBREGIONAL AND
RESIDENT OFFICES ELECTRONICALLY THROUGH THE AGENCY'S WEBSITE
AND WITH BOARD AGENT BY INTERNET E-MAIL**

FILING DOCUMENTS WITH REGIONAL, SUBREGIONAL AND RESIDENT OFFICES: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website:

<http://www.nlr.gov>

On the home page of the Agency's website, click on the "E-Gov" tab and choose the E-Filing link on the pull-down menu. When this page opens, click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. Utilization of the E-Filing form on the Agency's website to file documents is permitted under Section 102.114, notwithstanding any contrary provisions in the Board's Rules and Regulations. The following documents may be sent to a Regional, Subregional or Resident Office electronically through the Agency's website:

- Position Statements
- Notices of Appearance
- Requests for an Extension of Time for Filing of Documents Due to
Be Filed With a Regional Director or Hearing Officer
- Requests for Postponement of a Hearing Due to be Filed With a
Regional Director or Hearing Officer
- Excellior* Lists
- Observer Designations
- Requests to Proceed
- Withdrawal Requests
- Disclaimers of Interest
- Election Objections and Evidence in Support
- Representation Case Briefs to the Regional Director/Hearing Officer
- Briefs to Administrative Law Judges to be served on Counsel for the
General Counsel
- Unfair Labor Practice Exceptions and Briefs to the Board
to be served on Counsel for the General Counsel
- Answers to Complaints or Compliance Specifications
- Motions for Summary Judgment and responses to such motions to be filed
with the Regional Director or Counsel for the General Counsel
- Petitions to Revoke Subpoenas and responses to such petitions to be filed
with the Regional Director or Counsel for the General Counsel
- Motions for Bill of Particulars to be filed with the Regional Director
- Any document filed electronically with the Board in accordance with the
Board's E-Filing Project

Provided that:

- For any Answer to a Complaint or Compliance Specification, the document being filed electronically should be in a pdf format, as described below, that includes the signature of counselor or non-attorney representative for represented parties or the signature of the party if not represented. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the required signature, then the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Any document submitted to a Region electronically must be complete. Any attachments must be converted into electronic form and included as part of the document.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional, Subregional, or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses, and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional, or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlr.gov>) as outlined above.

E-FILINGS MUST BE TIMELY

The Agency will accept electronic filings up to 11:59 pm in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations. The responsibility for the receipt and usability of electronic filings rests exclusively upon the sender. Unless the Agency's E-Filing system is determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file a document will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason.

PREFERRED DOCUMENT FORMAT IS PDF

The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Board's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt).

DOCUMENTS MUST BE VIRUS-FREE

Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

ALL DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE

All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.1140 of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS

Outside parties may send electronic communications to Regional, Subregional, and Resident Offices dealing only with official Agency business.

QUESTIONS

Any questions about the General Counsel's, Division of Judges', or the Board's E-filing policies should be directed to an NLRB Information Officer during regular business hours.

Facsimile Cover Sheet

To: _____

Phone: _____

Fax: _____

From: Shannon R. Meares
National Labor Relations Board, Region 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467

Phone: 336/631-5201

Fax: 336/631-5210

Date: 11/8/21

Pages including this cover

page: _____

Original of this facsimile transmission ☒ will ☐ will not follow in the mail.

Comments: Boeing, 11-RD-723

Attached is a copy of a petition and Notice of Hearing, with attached cover letter and Form NLRB-4338 involving your organization.

*CONFIDENTIALITY NOTICE:
OFFICIAL GOVERNMENT BUSINESS*

THIS COMMUNICATION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUALS OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION MAY BE STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY ME IMMEDIATELY BY TELEPHONE CALL, AND RETURN COMMUNICATION TO ME AT THE ADDRESS ABOVE VIA UNITED STATES POSTAL SERVICE. THANK YOU!

WARNING: Most Fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier if it is to be filed as an official NLRB record.

INDEX AND DESCRIPTION OF FORMAL DOCUMENTS

**Boeing
11-RD-723**

- BOARD EXHIBIT 1(a) Original petition, filed July 30, 2009
- 1(b) Notice of Hearing with Form NLRB-4669 attached,
 dated July 30, 2009
- 1(c) Affidavit of Service of 1(a) and 1(b), dated July 30, 2009
- 1(d) Order Rescheduling Hearing and Notice of Change
 in Time and Place of Hearing, dated August 6, 2009
- 1(e) Affidavit of Service of 1(d), dated August 6, 2009
- 1(f) Index and Description of Formal Documents

MEMORANDUM OF ISSUANCE OF NOTICE IN "R" CASE

DATE: November 8, 2021

TO : National Court Reporters
P. O. Box 1224
Abingdon, VA 24212-1224
Office Phone : 276/623-2328 (9:00 a.m. - 5:00 p.m.)
Office Fax : **276/619-3434**
Cell Phone : 276/356-5012 (Emergency Use Only to Cancel Hrgs.)

FROM : Willie L. Clark, Jr.
Regional Director

SUBJECT : Boeing
Case 11-RD-723

DATE AND TIME OF HEARING: August 10, 2009
11:00 a.m.

PLACE OF HEARING: The Paris Favors, Jr. Hearing Room, National Labor
Relations Board, Republic Square, Suite 200, 4035
University Parkway, Winston-Salem, North Carolina

HEARING ROOM RESERVED WITH:

ESTIMATED LENGTH OF HEARING: 1 day

HEARING OFFICER: Shannon R. Meares

REPORT OF CONTACT

Case Name Boeing Case 11-RD-723

NamePhone No.

Employer Representative _____

Union Representative _____

Other _____

[illegible]

NLRB Region 11

Executed By: _____

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

STIPULATED ELECTION AGREEMENT

The parties agree that a hearing is waived, that approval of this Agreement constitutes withdrawal of any notice of hearing previously issued in this matter, that the petition is amended to conform to this Agreement, and further **AGREE AS FOLLOWS:**

1. SECRET BALLOT. A secret-ballot election shall be held under the supervision of the Regional Director in the unit defined below at the agreed time and place, under the Board's Rules and Regulations.

2. ELIGIBLE VOTERS. The eligible voters shall be unit employees employed during the designated payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are 1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, 2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and 3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced. The employer shall provide to the Regional Director, within seven (7) days after the Regional Director has approved this Agreement, an election eligibility list containing the full names and addresses of all eligible voters. **Excelsior Underwear, Inc., 156 NLRB 1236; North Macon Health Care Facility, 315 NLRB 359.**

3. NOTICE OF ELECTION. Copies of the Notice of Election shall be posted by the Employer in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

4. ACCOMMODATIONS REQUIRED. All parties should notify the Regional Director as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, and request the necessary assistance.

5. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

6. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

7. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

8. RECORD. The record in this case shall include this Agreement and be governed by the Board's Rules and Regulations.

(Over)

RBN
LHH
(b) (6), (b) (7)(C)

9. **COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c). (Insert commerce facts.)

"The Boeing Company is a Delaware corporation, with a facility located in North Charleston, South Carolina, where it is engaged in the design, manufacture and non-retail sale of fuselage subassemblies. Based on a projection of its operations since July 30, 2009, at which time the Employer commenced its operations, the Employer, in conducting its business operations described above, will annually sell and ship from its North Charleston, South Carolina facility goods valued in excess of \$50,000 directly to enterprises located outside the State of South Carolina."

10. **WORDING ON THE BALLOT.** When only one labor organization is on the ballot, the choice shall be "Yes" or "No". If more than one labor organization is on the ballot, the choices shall appear as follows, reading left to right or top to bottom. (If more than one labor organization is on the ballot, any labor organization may have its name removed by the approval of the Regional Director of a timely written request.)

First.

Second.

Third.

11. **PAYROLL PERIOD FOR ELIGIBILITY - THE PERIOD ENDING** August 9, 2009

12. **DATE, HOURS, AND PLACE OF ELECTION.**

Date: Thursday September 10, 2009
Time: 11:30pm to 5:00pm
Place: second floor break room

13. **THE APPROPRIATE COLLECTIVE-BARGAINING UNIT.**

"All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and employees in the bonding class, employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act."

THE BOEING COMPANY
(Employer)
By Richard S. Hank 8/11/09
(Name) (Date)
ATTORNEY
(Title)

Recommended:
Anthony H. Shaw 8/12/09
(Board Agent) (Date)

Date approved 8/12/09

Edward Hardy
Regional Director
National Labor Relations Board

Case 11-BA-723

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
By [Redacted] 8-11-09
(Name) (Date)
PETITIONER
(Title)

International Association of Machinists and Aerospace Workers
(Labor Organization)
By W. D. Haller 8/11/09
(Name) (Date)
Associate General Counsel
(Title)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 11

Boeing

Employer

and

(b) (6), (b) (7)(C), An Individual

Petitioner

and

International Association of Machinists and Aerospace
Workers, District Lodge 96

Union

Case 11-RD-723

ORDER RESCHEDULING HEARING AND
NOTICE OF CHANGE IN TIME AND PLACE OF HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be and the same hereby is rescheduled from August 10, 2009, at 11:00 a.m., in the Paris Favors, Jr. Hearing Room, Suite 200, 4035 University Parkway, Winston-Salem, North Carolina, to **August 11, 2009, at 10:00 a.m., in Courtroom 3-C, Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina.**

DATED at Winston-Salem, North Carolina, on the 8th day of November 2021.



Regional Director, Region 11
National Labor Relations Board

VOTING UNIT FOR CERTAIN EMPLOYEES OF
The Boeing Company

Stip.
11-RD-723

THOSE ELIGIBLE TO VOTE:

All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and employees in the bonding class, employed by the Employer at its North Charleston, South Carolina facility during the payroll period ending August 9, 2009.

THOSE NOT ELIGIBLE TO VOTE:

All other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act.

TIME AND PLACE OF ELECTION



DATE: Thursday, September 10, 2009

TIME: 1:30 pm to 5:00 pm

PLACE: Second Floor Breakroom

A TEAM OF OBSERVERS WILL RELEASE THE VOTERS ACCORDING TO THE ATTACHED RELEASING SCHEDULE. HOWEVER, EMPLOYEES WHO CANNOT VOTE AT THAT TIME MAY VOTE AT ANY TIME THE POLL IS OPEN.

THE BALLOTS WILL BE COUNTED AT THE VOTING PLACE IMMEDIATELY AFTER THE CLOSING OF THE POLL.

	<p>UNITED STATES OF AMERICA National Labor Relations Board <small>FORM NLRB-707N2 (RC, RM, RD CASES) (4-84)</small></p> <p>OFFICIAL SECRET BALLOT For certain employees of The Boeing Company</p>	
<p>Do you wish to be represented for purposes of collective bargaining by - International Association of Machinists and Aerospace Workers, AFL-CIO ?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div><input type="checkbox"/></div>	<p>NO</p> <div><input type="checkbox"/></div>	

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.
If you spoil your ballot, return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election.
Any markings that you may see on any sample ballot have not been put there
by the National Labor Relations Board.

Suggested Voting Releasing Schedule

Times	Departments
1:30 pm	160, 170
1:40 pm	180
1:55 pm	200-210
2:10 pm	215 Up
2:25 pm	215 Down
2:40 pm	Bond
2:55 pm	Maintenance & Quality
3:10 pm	Training
3:25 pm	160, 170, 200-210
3:40 pm	180
3:55 pm	215 Up
4:10 pm	215 Down
4:25 pm	Bond
4:40 pm	Maintenance & Quality

Employees who are unable to vote at their suggested scheduled time may vote at any time the poll is open.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

P. O. Box 11467

Winston-Salem, NC 27116-1467

Telephone: 336/631-5201

Fax: 336/631-5210

www.nlrb.gov

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

November 8, 2021

Re: The Boeing Company
Case 11-RD-723

Mr. David Ray
The Boeing Company
3455 Airframe Drive, Bldg. 100
North Charleston, SC 29418

Dear Mr. Ray:

Enclosed are **12** Notices of Election for posting in conspicuous places that are easily accessible to employees. Extra copies have been provided in the event a Notice is defaced and requires replacement. Please provide confirmation that the Notices have been posted.

You are reminded that Section 103.20 of the Board's Rules and Regulations requires employers to post the Board's official Notice of Election in conspicuous places at least three (3) full working days, not including Saturdays, Sundays, and holidays, prior to 12:01 a.m. of the day of the election. **Therefore, the enclosed notices must be posted prior to 12:01 a.m. on September 4, 2009.** Failure to comply with this posting requirement shall be grounds for setting the election aside whenever proper and timely objections are filed. In order to avoid any issue developing about the adequacy of the posting period, **the enclosed notices should be posted immediately upon receipt.** A copy of this rule was served upon the Employer with the filing of the petition.

Thank you for your cooperation.

Very truly yours,

Willie L. Clark, Jr.
Regional Director

Enclosure

WLC/jj

cc:


Mr. Richard B. Hankins, Esq.
McKenna Long & Aldridge LLP.
303 Peachtree Street, Suite 5300
Atlanta, GA 30308

(1) Mr. Alston D. Correll, Esq.
McKenna Long & Aldridge LLP
303 Peachtree Street, Suite 5300
Atlanta, GA 30308

(1)

Mr. William H. Haller, Esq.
Associate General Counsel
International Association of Machinists
and Aerospace Workers, AFL-CIO
9000 Machinists Place
Upper Marlboro, MD 20772

(b) (6), (b) (7)(C)



(2) Mr. Jeffery M. Smith
Grand Lodge Rep.
International Association of Machinists
and Aerospace Workers, AFL-CIO
1111 W. Mockingbird Lane, Suite 1357
Dallas, TX 75247

(1)

(1)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATIONAL LABOR RELATIONS BOARD
Region 11

Re: The Boeing Company
Case No. 11-RD-723

_____ hereby designates the following
[Name of Employer, Union, or RD Petitioner]
individual(s) to act as its observer(s) during the conduct of the election in the above case:

Name	Job Title

I certify that the above-named individual(s) is (are) employee(s) of the Employer and is (are) not supervisor(s) within the meaning of Section 2(11) of the Act.

By: _____
[Signature of Representative]

[Title]

It should be noted that the use of a supervisor as an observer may result in the setting aside of the election. Section 2(11) of the National Labor Relations Act states:

The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.



UNITED STATES OF AMERICA
National Labor Relations Board
FORM NLRB-707N2 (RC, RM, RD CASES) (4-84)



OFFICIAL SECRET BALLOT
For certain employees of
The Boeing Company

Do you wish to be represented for purposes of collective bargaining by -
International Association of Machinists and Aerospace Workers, AFL-CIO ?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.
If you spoil your ballot, return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election.
Any markings that you may see on any sample ballot have not been put there
by the National Labor Relations Board.



UNITED STATES OF AMERICA
National Labor Relations Board
FORM NLRB-707N2 (RC, RM, RD CASES) (4-84)



OFFICIAL SECRET BALLOT
For certain employees of
The Boeing Company

Do you wish to be represented for purposes of collective bargaining by -
International Association of Machinists and Aerospace Workers, AFL-CIO ?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

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If you spoil your ballot, return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election.
Any markings that you may see on any sample ballot have not been put there
by the National Labor Relations Board.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

THE BOEING COMPANY

Employer

and

(b) (6), (b) (7)(C), an Individual
Petitioner

and

INTERNATIONAL ASSOCIATION OF MACHINISTS AND
AEROSPACE WORKERS, AFL-CIO
Union

DATE FILED

07/30/2009

Case No. 11-RD-723

Date Issued 09/10/2009

Type of Election:
(Check one:)

- ☒ Stipulation
☐ Board Direction
☐ Consent Agreement
☐ RD Direction
Incumbent Union (Code)

(If applicable check
either or both:)

- ☐ 8(b) (7)
☐ Mail Ballot

N. Charleston, SC

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

- | | | |
|--|---|---|
| 1. Approximate number of eligible voters | 288 | |
| 2. Number of Void ballots | 1 | |
| 3. Number of Votes cast for | INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS, AFL-CIO | 68 |
| 4. Number of Votes cast for | | XXXXXX |
| 5. Number of Votes cast for | | XXXXXX |
| 6. Number of Votes cast against participating labor organization(s) | | 199 |
| 7. Number of Valid votes counted (sum of 3, 4, 5, and 6) | | 267 |
| 8. Number of Challenged ballots | | 0 |
| 9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) | | 267 |
| 10. Challenges are (not) sufficient in number to affect the results of the election. | off | |
| 11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for | off | INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS, AFL-CIO |

For the Regional Director

Jaqueline Fore

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For THE BOEING COMPANY

Abdoul Comel

(b) (6), (b) (7)(C)

For INTERNATIONAL ASSOCIATION OF MACHINISTS

AND AEROSPACE WORKERS, AFL-CIO

For

Billy Jay

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

The Boeing Company

Employer

and

(b) (6), (b) (7)(C), An Individual

Petitioner

and

International Association of Machinists and Aerospace
Workers, AFL-CIO

Union

TYPE OF ELECTION

(CHECK ONE)

☐ CONSENT

☒ STIPULATED

☐ RD DIRECTED

☐ BOARD DIRECTED

(ALSO CHECK BOX

BELOW WHEN APPROPRIATE)

☐ 8(b)(7)

CASE 11-RD-723

CERTIFICATION OF RESULTS OF ELECTION

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that no collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots have not been cast for any labor organization and that no labor organization is the exclusive representative of these employees in the bargaining unit described below:

All full-time and regular part-time production and maintenance employees, including assemblers, tool & die toolmakers, inspectors, bonders, millwrights, operators, maintenance mechanics, NDI technicians, and employees in the bonding class, employed by the Employer at its North Charleston, South Carolina facility; but excluding all other employees, office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act.

Signed at Winston-Salem, NC

On the 18th day of

September 2021

Regional Director, Region 11
National Labor Relations Board